

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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INNOVATIVE SPORTS MANAGEMENT, INC.,
d/b/a INTEGRATED SPORTS MEDIA,

Plaintiff,

-against-

ADOPTION ORDER
19-CV-1690 (JS) (AYS)

JUAN ACEVEDO, individually and as officer,
director, shareholder, and/or principal
of JADS DELI INC., d/b/a JUANITO DELI
BAKERY CAFÉ a/k/a JUANITO'S BAKERY & CAFÉ,
and JADS DELI INC., d/b/a JUANITO DELI
BAKERY CAFÉ a/k/a JUANITO'S BAKERY & CAFÉ,

Defendants.

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APPEARANCES

For Plaintiff: Julie Cohen Lonstein, Esq.
Lonstein Law Office, P.C.
190 South Main Street
P.O. Box 351
Ellenville, New York 12428

For Defendants: No appearance.

SEYBERT, District Judge:

Plaintiff Innovative Sports Management, Inc. doing
business as Integrated Sports Media ("Plaintiff") commenced this
action on March 25, 2019 asserting violations of the Communications
Act of 1934, as amended, 47 U.S.C. §§ 605 et seq. (the
"Communications Act"), the Cable & Television Consumer Protection
and Competition Act of 1992, as amended, 47 U.S.C. §§ 553 et seq.,
and the Copyright Act, 17 U.S.C. § 101 et seq. (See Compl. D.E.
1.) On November 22, 2019, Plaintiff filed a motion for a default
judgment against Defendants (Mot., D.E. 18) and on April 2, 2020,

this this Court referred the motion to Magistrate Anne Y. Shields for a report and recommendation (Apr. 2, 2020 Elec. Order).

On June 4, 2020, Judge Shields issued a Report and Recommendation ("R&R," D.E. 19) recommending that the Court grant in part and deny in part Plaintiff's motion. Specifically, Judge Shields recommended that the Court grant the motion as against Jads Deli Inc., doing business as Juanito's Deli Bakery Café (R&R at 5-7), and deny the motion with respect to the individually-named defendant, Juan Acevedo (R&R at 7-9). Judge Shields also recommended that the Court award Plaintiff \$7,080.00 in damages, accounting for: (1) \$750.00 in statutory damages pursuant to the Communications Act; (2) \$1,500.00 in enhanced damages under the Communications Act; (3) \$750.00 in statutory damages pursuant to the Copyright Act; (4) \$750.00 in damages for willfulness under the Copyright Act; (5) \$1,722.50 in attorney's fees; and, (6) \$1,607.50 in costs.

On September 22, 2020, the Court directed Plaintiff to serve a copy of the R&R to Defendants. (Sept. 22, 2020 Elec. Order.) On the same day, September 22, 2020, Plaintiff served the R&R as well as the September 22, 2020 Electronic Order to Defendants at their last known addresses. (Aff. Serv., D.E. 20.)

The time to object has expired and no objections to the R&R have been filed. Upon careful review and consideration, the Court finds Judge Shields' R&R to be comprehensive, well-reasoned,

and free of clear error. Accordingly, the Court ADOPTS the R&R (D.E. 19) in its entirety and Plaintiff's motion (D.E. 18) is GRANTED as against defendant Jads Deli Inc., doing business as Juanito's Deli Bakery Café and DENIED as against defendant Juan Acevedo. Plaintiff is awarded \$7,080.00 in damages, accounting for: (1) \$750.00 in statutory damages pursuant to the Communications Act; (2) \$1,500.00 in enhanced damages under the Communications Act; (3) \$750.00 in statutory damages pursuant to the Copyright Act; (4) \$750.00 in damages for willfulness under the Copyright Act; (5) \$1,722.50 in attorney's fees; and, (6) \$1,607.50 in costs.

The Clerk of the Court is respectfully directed to enter judgment accordingly and mark this case CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: October 13, 2020
Central Islip, New York